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09/811,823	03/20/2001	Edward Rodriguez	003918-025	9310
21839	7590	01/14/2005	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			LE, NANCY LOAN T	
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			3621	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/811,823

**Applicant(s)**

RODRIGUEZ ET AL.

**Examiner**

NANCY LOAN T. LE

**Art Unit**

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 20 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13, 15-16, 20-30, 32-39, 41-47 is/are rejected.
- 7) ☒ Claim(s) 7, 14, 17-19, 31, 40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3 July 2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Status of Claims*

Claims 1-47 have been examined.

### *Specification*

1. The disclosure is objected to because of the following informalities: a noun, i.e., '*confidentiality*' should be used in place of '*confidentially*' (seventh sentence of paragraph [0038]). Appropriate correction is required.

### *Claim Objections*

2. Claim 2 is objected to because of the following informalities: a preposition '*an*' should be used instead of '*a*'. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

Claims 1-6, 8-13, 15-16, 20-30, 32-39, 41-47 are rejected under 35 U.S.C. § 102(e) as being anticipated by Barnhart, U.S. Patent Publication No. US 2002/0133396, 09/19/2002.

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Referring now to claim 1, Barnhart discloses a method for completing and submitting an electronic voter registration form and an electronic ballot over a network, comprising the steps of:

- transmitting a blank electronic registration form, upon request at a first computer, via a transaction mediator, to the first computer;
- transmitting registration information from the first computer, via the transaction mediator, to a computer database that resides on a transaction repository server, all of which are networked together, to establish a registered voter

[0042, figure 4];

- transmitting a blank electronic ballot, upon request by the registered voter at a second computer, from the computer database that resides on the transaction repository server, via the transaction mediator, to the second computer [0049, 0051: first sentence, and figure 4]; and
- transmitting a voted electronic ballot from the second computer, via the transaction mediator, to the computer database that resides on the transaction repository server [0049, 0051: second sentence, and figure 4].

Referring now to claim 2, Barnhart disclosed a method recited in claim 1, comprising:

- establishing at least one computer database on the transaction repository server that contains information associated with at least one of a voter registration status of a citizen and an electronic ballot status [0035-0036, 0050-0051, figures 1 & 2];
- requesting a status at the first computer from the transaction repository server;
- determining a status message in response to the step of requesting by examining the at least one computer database; and
- transmitting the status message from the transaction repository server to the first computer.

[0042-0044, 0050-0052, figures 1 and 2].

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Referring now to claims 3, 22, and 47, Barnhart discloses a method and system recited in claims 2, 20, and 46, respectively, wherein the voter registration status of the citizen and the electronic ballot status are verified [0042-0044, 0050, 0021, 0056-0062].

Referring now to claims 4 and 44, Barnhart discloses a method/system recited in claims 1 and 41, respectively, wherein the network includes:

an encrypted communication channel between at least one of the first and second computer and the transaction mediator, and an encrypted communication channel between the transaction mediator and the transaction repository server [0018, 0023-0027, figures 1, 2, 4].

Referring now to claims 5 and 45, Barnhart discloses a method and system recited in claims 1 and 41, respectively, wherein the registration information includes at least one descriptive element associated with a citizen [0037].

Referring now to claims 6, 27, and 36, Barnhart discloses a method recited in claims 1, 23, and 32, respectively, wherein the step of transmitting registration information comprises:

- entering the registration information [0042-0045,]; and
- digitally signing the registration information using a private key of a public-private key pair, wherein the public-private key pair is generated using an asymmetric cryptographic function, wherein a public key of the public-private key pair is associated with a cryptographic identification of a citizen, and wherein the public-private key pair and the cryptographic identification are created prior to transmitting the registration information [0036-0037, 0042-0046, 0064].

Referring now to claim 8, Barnhart discloses a method recited in claim 6, wherein the step of transmitting registration information comprises:

verifying the digital signature using the public key of the public-private key pair [0044-0046].

Referring now to claims 9, 28 and 37, Barnhart discloses a method recited in claims 6, 27 and 36, respectively, wherein the public-private key pair and the cryptographic identification can be used by the citizen with respect to a plurality of electronic transactions [0043, 0061, 0064, 0068].

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Referring now to claim 10, wherein the step of transmitting registration information comprises:

approving or denying a voting registration request at the computer database based on the registration information of a citizen [0074].

Referring now to claims 11, 24 and 34, Barnhart discloses a method recited in claims 1, 23, and 33, respectively, wherein the second computer is the first computer since registration and voting computers are client computers, thus are the same [figures 1, 2, 4].

Referring now to claims 12, 29 and 38, Barnhart discloses a method recited in claims 1, 26 and 33, respectively, wherein the step of transmitting a blank electronic ballot comprises:

- digitally signing the blank electronic ballot using a private key of a public-private key pair, wherein the public-private key pair is generated using an asymmetric cryptographic function, wherein a public key of the public-private key pair is associated with a cryptographic identification of an operator of the transaction repository server, and wherein the public-private key pair and the cryptographic identification are created prior to transmitting the blank electronic ballot; and
- transmitting a public key of a public-private key pair of the transaction repository server

[0018, 0036-0037, 0042-0046, 0049, 0064].

Referring now to claims 13, 30 and 39, Barnhart discloses a method recited in claims 1, 23 and 35, respectively, wherein the step of transmitting a voted electronic ballot comprises:

- executing the blank electronic ballot;
- encrypting the voted electronic ballot using a symmetric cryptographic function and a symmetric key that is randomly generated by the second computer;
- encrypting the symmetric key using a public key of a public-private key pair of the transaction repository server

[0051, 0054-0057]; and

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- digitally signing the encrypted voted electronic ballot and the encrypted symmetric key using a private key of a public-private key pair, wherein the public-private key pair is generated using an asymmetric cryptographic function, wherein a public key of the public-private key pair is associated with a cryptographic identification of the registered voter, and wherein the public-private key pair and the cryptographic identification are created prior to transmitting the voted electronic ballot [0018, 0036-0037, 0042-0046, 0049, 0064].

Referring now to claim 15, Barnhart discloses a method recited in claim 13, comprising:

verifying the digital signature of the encrypted voted electronic ballot and the encrypted symmetric key using the public key of the public-private key pair of the registered voter [0051-0057].

Referring now to claim 16, Barnhart discloses a method recited in claim 13, comprising:

reconciling transmitted voted electronic ballots by an operator of the transaction repository server to establish the validity of each transmitted voted electronic ballot [0056-0057].

Referring now to claim 20, Barnhart discloses a method for verifying at least one of a voter registration status and an electronic ballot status in a voting system, comprising the steps of:

- establishing at least one computer database on a transaction repository server that contains information associated with at least one of the voter registration status of a citizen and the electronic ballot status;
- requesting a status at a first computer from the transaction repository server;
- determining a status message in response to the step of requesting by examining the at least one computer database; and
- transmitting the status message from the transaction repository server to the first computer

[0035-0036, 0042-0044, 0050-0051, figures 1 & 2].

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Referring now to claim 21, Barnhart discloses a method recited in claim 20, wherein a transaction mediator communicates information between the first computer and the transaction repository server [figure 1/web server 19].

Referring now to claims 23 and 32, Barnhart discloses a method for completing and submitting an electronic voter registration form and an electronic ballot transmitted over a network, comprising the steps of:

- transmitting registration information from a first computer to a computer database that resides on a transaction repository server, all of which are networked together, to establish a registered voter; and
- transmitting a voted electronic ballot from a second computer to the computer database that resides on the transaction repository server

[0052, 0018, and figures 2 and 4].

Referring now to claim 25, Barnhart discloses a method recited in claim 23, comprising:

transmitting a blank electronic registration form, upon request at the first computer, to the first computer [0042, and figure 4].

Referring now to claims 26 and 33, Barnhart discloses a method recited in claims 25 and 32, respectively, comprising:

transmitting a blank electronic ballot, upon request by the registered voter at the second computer, from the computer database that resides on the transaction repository server to the second computer [0049, 0051].

Referring now to claim 35, Barnhart discloses a method recited in claim 33, comprising:

transmitting a voted electronic ballot from the second computer to the computer database that resides on the transaction repository server [0018, 0052, figures 2 and 4].

Referring now to claim 41, Barnhart discloses a system for completing and submitting an electronic voter registration form and an electronic ballot over a network, comprising:



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- a transaction repository server for transmitting a blank electronic ballot to a first computer;
- a computer database, accessible by the transaction repository server, for storing the blank electronic ballot; and
- a transaction mediator for communicating information between the transaction repository server and the first computer, the transaction mediator being operative to transmit registration information from the first computer to the computer database to establish a registered voter

[0023-0027 and figure 1].

Referring now to claim 42, Barnhart discloses a system recited in claim 41, wherein the transaction mediator is operative to transmit the voted electronic ballot from the first computer to the computer database [figure 1, and 0023].

Referring now to claim 43, Barnhart discloses a system recited in claim 42, wherein the first computer comprises multiple computers. This is understood since registration computers over a computer network should comprise more than one computers connecting one to another in order to establish a network [figure 4].

Referring now to claim 46, Barnhart discloses a system for verifying at least one of a voter registration status and all electronic ballot status in a voting system, comprising:

- a first computer for requesting a status from a transaction repository server; and
- at least one computer database, accessible by the transaction repository server, for containing information associated with at least one of the voter registration status of a citizen and the electronic ballot status;
- the transaction repository server being operative for determining a status message in response to the status request by examining the at least one computer database, and for transmitting the status message to the first computer

[0035-0036, 0042-0044, 0050-0051, figures 1 & 2].

*Allowable Subject Matter*

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4. Claims 7, 14, 17-19, 31, 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Architecture for anonymous electronic voting using public key technologies, London Shrader et al., U.S. Patent Publication No. 2002/0077887.
  - Distributed network voting system, McClure et al., U.S. Patent Publication No. 2003/0208395.
  - Coercion-free voting scheme, Neff, U.S. Patent Publication No. 2003/0154124.
  - Electronic voting system, Karro et al., U.S. Patent Publication No. 2002/0077885.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is (703) 305-0549. The examiner can normally be reached on Monday-Friday, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES P. TRAMMELL can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306, for official/regular communication. For informal/draft communication, the fax number is 703-302-3376 (rightfax).

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

*Commissioner of Patents and Trademarks*

*P.O. Box 1450*

*Alexandria, VA 22313-1450*

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia 22202, seventh floor receptionist.

NLL  
01/10/2005



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